

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

August 17, 2006 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN HOWARD

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of August 7, 2006 (Page 2 of 11)
2. Safety & Transportation Committee Report of August 3, 2006 (Mayor Tarr) (Page 6 of 11)
3. Public Works Committee Report of August 8, 2006 (Councilman Wolffe) (Page 9 of 11)
4. ANPDC Presentation (Broad Band Communications)
5. Public Participation

UNFINISHED BUSINESS

6. Proposed Zoning Change, Pier Structures (Town Attorney Jon Poulson)

NEW BUSINESS

7. Donation Request from North Accomack Soccer League
8. The Board of Zoning Appeals Commission request (Letter from Secretary) (Page 11 of 11)
9. Mayor & Council Announcements or Comments

ADJOURN:

**MINUTES OF THE AUGUST 7, 2006
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilman Howard motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

1. Approval of Minutes of the July 10, 2006 Regular and Special Council Meetings.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

2. Ordinance Committee Report of July 12, 2006.

Councilman Ross motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

3. Chincoteague Recreation & Convention Center Authority Report of June 12, 2006.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Councilwoman Conklin reported that the Center has a new maintenance technician and that the Authority has decided to raise the rental rates, effective July 1st. The motion was unanimously approved.

4. Public Hearing – Newly revised draft Ordinance, Chapter 70, Waterways.

Mayor Tarr explained that Town Attorney Poulson prepared a newly revised draft Ordinance, Chapter 70, Waterways. Councilman Howard motioned, seconded by Councilwoman Conklin, to open the public hearing. The motion was unanimously approved.

After receiving no public comments, Mayor Tarr closed the public hearing. He stated that the draft ordinance will be discussed later in the meeting.

5. Public Participation.

- Mr. Giovanni Rosanova, representative of the North Accomack Soccer League, respectfully requested assistance for the League from Council. Mayor Tarr stated that the request will be reviewed by the Budget and Personnel Committee.
- Mr. James Cole, a resident of Ocean Breeze, complained about the unsafe road conditions in the development. Mayor Tarr responded that the matter will be reviewed by Town Attorney Poulson to verify that, under the Code of Virginia, the Town has the authority to repair the roads and place a lien against the owner of the roads. He added that staff will advise Mr. Cole of the outcome.

6. Adoption of newly revised Ordinance, Chapter 70, Waterways.

Councilman Howard motioned, seconded by Councilman Wolffe, to consider adoption of the newly revised Ordinance, Chapter 70, Waterways.

Councilman Howard made a motion to amend the original motion to strike out the words “*situated either in the town or within two miles of its corporate limits*” in Section 70-29. Councilman Wolffe seconded the motion, and it was unanimously approved.

Councilman Howard made a motion to amend the original motion to add the word “*except*” just before the words “*by special authority...*” in Section 70-95(b). Councilman Ross seconded the motion, and it was unanimously approved.

Councilman Wolffe made a motion to amend the original motion to include the word “*designated*” just after the words “*which areas shall be*” in Section 70-96(a). Vice Mayor Speidel seconded the motion, and it was unanimously approved.

Councilman Howard made a motion to amend the original motion to replace the word “*harbor*” with “*other town water-related facilities, excepting the Town Dock*” in the first sentence of Section 70-123. Councilman Wolffe seconded the motion, and it was unanimously approved.

Councilman Wolffe made a motion to amend the original motion to include the word “*vessels*” after the words “*Overnight habitation of*” in Section 70-95(b) and to strike the

language of Section 70-104(i) and leave Section 70-104(i) as “*Reserved*”. Councilman Ross seconded the motion, and it was unanimously approved.

Councilman Wolffe made a motion to amend the original motion to strike the word “*boats*” in Section 70-119(b). The motion was seconded by Councilman Howard. There was discussion contrary to the motion. Town Attorney Poulson advised that the original language of Section 70-119(b) should not be stricken.

Ayes – None

Nays – Conklin, Howard, Richardson, Ross, Speidel, Wolffe

The motion was defeated.

Councilman Wolffe then made a motion to amend the original motion to include the words “*Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility is prohibited, except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use, after obtaining the lease from the Town.*” as the language of Section 70-119(b). Vice Mayor Speidel seconded the motion, and it was unanimously approved.

The original motion made by Councilman Howard and seconded by Councilman Wolffe was unanimously adopted as amended above.

7. Adjoining Property Owner Notice (BZA Applicant, Michael E. McGee).

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to neither approve nor disapprove the project and to respond “no comment” on the Adjoining Property Owner Notice for Mr. McGee’s BZA application. Councilman Wolffe reiterated the importance of the Town to remain neutral in the capacity of adjoining property owners.

Ayes – Conklin, Richardson, Ross, Speidel, Wolffe

Nays – Howard

Absent – None

The motion was carried.

8. Mayor & Council Announcements or Concerns.

- Councilman Howard stated that Church Street, from Willow Street to the canal, and also Pension Street are in need of repair. Councilman Wolffe stated that the matter will be discussed at the September Public Works Committee meeting. Councilman Howard also stated that the Harbor Committee will not meet on August 9th.
- Councilman Wolffe asked about the status of the information from the planning group. Town Manager Ritter responded that the group was tallying the public comments. He stated that he will call the group to check the status.
- Councilman Ross stated that the Ordinance Committee will not meet on August 9th.
- Vice Mayor Speidel stated that the Recreation and Community Enhancement Committee meeting will not meet on August 10th, but will meet on September 14th.

- Councilwoman Richardson announced that the Planning Commission will hold a special meeting on August 8th at 7:00 pm to discuss the Sign Ordinance. She also stated that she has heard complaints from a man about his neighbor's cats. Mayor Tarr advised Councilwoman Richardson to speak to Chief Lewis about the complaint.
- Mayor Tarr recommended that the Safety and Transportation Committee prepare a budget for a Town animal control program. He added that the positives and negatives of the Town having its own animal control program should also be listed.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on August 17, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

Safety & Transportation Committee Meeting
3 August 2006
MINUTES

Chairman Tarr called the meeting to order at 5:30 pm.

Committee Members Present: Hon. John H. Tarr, Chairman
Hon. David Ross
Absent: Hon. Glenn Wolffe

Staff Present:	Mr. Edward Lewis, Chief of Police	Others Present:
	Mr. Bryan Rush, Emerg. Svcs. Coord.	Mr. John Nelson Jester
	Mr. Jack Van Dame, Trolley Manager	
	Mr. Robert Ritter, Town Manager	

Chairman Tarr made a motion to adopt the agenda with an amendment to item number one which will allow for comments from the members. Mr. Ross seconded, and the motion was unanimously approved.

1. Emergency Management Report

A. Fireworks Transportation – Mr. Rush explained the new transportation system for the fireworks display. He listed several items that will be considered for next year's planning.

B. Communications – Mr. Rush stated that Mr. Dennis Cope has offered to help install the Town's HAM radio antenna. He added that Mr. Cope is also working on a plan to utilize the local radio station to broadcast information to the residents in the event of an emergency and/or evacuation. Mr. Rush advised that the Reverse 911 System is now in service and can be used to call residents and businesses to relay vital information in an emergency.

C. Training – Mr. Rush reported that the Police Department has made great strides in the National Incident Management System (NIMS) and ICS training and that the career EMS providers have completed the training as well. He added that he is also working on getting all of the volunteer EMS providers through the program. Mr. Rush explained that several programs need to be completed by management staff and council members affiliated with Emergency Management. He added that there are several programs that he also needs to complete.

D. Planning – Mr. Rush explained that the Emergency Operations Plan will be reviewed in the near future. He added that the Plan, less all sensitive information, will be on the Town's website soon. Mr. Rush also reported that the Local Capability Assessment Report (LCAR) was sent to VDEM on June 28th.

E. Comments from Members

- Mr. Rush announced that there will be a Pandemic Flu Summit on Tuesday, August 8th from 2:30 to 8:30 pm at the Onancock Elks Lodge in Accomac.
- Chairman Tarr requested that Mr. Lewis update the call-in list for the evacuation of medical patients. Mr. Rush responded that the list has been updated. Chairman Tarr recommended that representatives from the U.S. Coast Guard, the Fire

Company and the Park Service be invited to the next meeting. Chairman Tarr also recommended that the Damage Assessment Team be prepared for the hurricane season, and Mr. Rush responded that the team has been contacted.

- Mr. Jester respectfully offered his assistance with the Emergency Operations Plan and the Emergency Management program.

2. Island Trolley Report

Mr. Van Dame stated that there is a need for a 30-minute route. He added that scheduling works very well and is effective. Mr. Van Dame reported that the Town owns two new trolleys, that there is a logo theme for the whole system and that five shelters are being built at select locations along the route. He also reported on ridership. Mr. Van Dame stated that there has been some discussion regarding a program for off-season residents.

Chairman Tarr and the members thanked Mr. Van Dame for a job well done with the trolleys.

3. Public Safety Report

Mr. Lewis reported that the department recently purchased a Dodge Charger and that he has hired Mr. Jerry Tarr to fill the vacant Police Officer position. Mr. Lewis then gave his incident report.

4. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia

Chairman Tarr motioned, seconded by Mr. Ross, to convene a closed meeting to discuss police legal matters. The motion was unanimously approved.

Chairman Tarr motioned, seconded by Mr. Ross, to reconvene in regular session. The motion was unanimously approved.

Chairman Tarr motioned, seconded by Mr. Ross, to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Safety & Transportation Committee has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Safety & Transportation Committee hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

VOTE: Ayes- Ross, Tarr,
Nays- None
Absent- Wolffe

Chairman Tarr moved to adjourn the meeting. Mr. Ross seconded, and the motion was unanimously approved.

The next meeting is scheduled for Thursday, September 7, 2006 at 5:30 pm.

Public Works Committee Meeting
8 August 2006
MINUTES

Chairman Wolffe called the meeting to order at 5:35 pm.

Present: Hon. Glenn Wolffe, Chairman
 Hon. Terry Howard
 Mr. Michael Cosby, Public Works Director

 Mr. Robert Ritter
 Ms. Nancy Conklin
 Mr. David Ross
 Mr. J.W. Jeffries
 Mr. and Mrs. Fred Mueller
 Mr. Robert Umphlett

Mr. Wolffe moved to rearrange the order of the public participation item so that it would precede the consideration of the request to waive the water availability fee. Mr. Howard seconded and the motion was approved.

Mr. Howard made a motion to adopt the agenda as presented. Mr. Wolffe seconded and the motion was approved.

1. Consider approval of 11 July 2006 Minutes. Mr. Howard made a motion to approve the minutes as presented. Mr. Howard seconded and the motion was approved.
2. Director's report. Mr. Howard asked if we were still utilizing the same chemicals for our mosquito spraying. Mr. Cosby stated that the current chemicals had been in use for some time. Mr. Wolffe explained that the effectiveness of the chemicals varied depending on the application conditions. Mr. Howard asked if the monthly report could be distributed to all Council members. Mr. Cosby said that he would do this in the future.
3. Mr. Fred Mueller explained his request for the waiver of the water availability fee for his property on Pine Drive. He stated that he was asking for consideration because he was not told that there were new fees in effect starting 20 April 2006. He said that he believed his situation was unique because he had a building permit and met all of the requirements prior to April 20 but did not apply for service.
4. Request to waive availability fee – Lot 6A Pine Drive. Mr. Jeffries stated that the Town did not evaluate the water service applications on the basis of building permits and explained that the Town did not know how many other situations currently exist where property owners met the requirements prior to

20 April but did not apply for service. After a general discussion of the unique nature of this situation, Mr. Howard moved for a waiver of the rules in order to ask Mr. Mueller questions. This motion was seconded by Mr. Wolffe and approved. Mr. Howard then asked Mr. Mueller why his situation was unique, and Mr. Mueller stated that it was because Mr. Jeffries told him that it was. Mr. Jeffries pointed out that it is the only case known at present but repeated that there are a number of cases that could exist but are not yet known. Mr. Wolffe stated that he would not make a motion at this meeting because the actual criteria were probably met by a number of people and also stated that the Muellers could approach the full Town Council with their request. Mr. Howard indicated that he was concerned about setting a precedent and would not make a motion at this meeting.

5. Consider new application for water service connections. A short discussion of the proposed new water service connection application took place, with the general conclusion that staff refine and clarify several areas for approval at a later date.
6. Committee member comments. Mr. Howard stated that he would like to know at least a day in advance about situations that would be discussed in committee meetings. The new procedures for agenda packets were then discussed. Mr. Wolffe asked Mr. Cosby about the status of road repairs for Church Street. Mr. Cosby agreed to develop a feasibility report for next month's meeting.

Mr. Howard moved to adjourn the meeting at 6:40 pm. Mr. Wolffe seconded and the motion was approved unanimously.

The next meeting is scheduled for Tuesday, 12 September 2006 at 5:30 pm.

MEMORANDUM

To: Mayor & Town Council

From: Kenny L. Lewis, BZA Secretary

Date: August 9, 2006

Subject: Setbacks on Corner Lots

The Board of Zoning Appeals has requested me to send to Mayor & Council a letter requesting you to look at the current zoning regulations regarding setbacks on corner lots.

Under current regulations when a structure is located where the property fronts two streets or right-of-ways the structure must be located a minimum of 25' from either streets and/or right-of-ways.

The BZA seems not to have a problem with areas where the property is located adjoining two state roads. However they raised concerns when the structure is located along a state road and a private street or right-of-way.

The BZA request that the Mayor & Council consider looking into the set backs on corner lots and possibly request to the Planning Commission to place this item on their agenda in September, to take a look at and consider a change in zoning to allow structures to be placed 10' from a private right-of-way.